

109TH CONGRESS  
2D SESSION

# S. 3935

To direct the Federal Trade Commission to prescribe rules to prohibit deceptive conduct in the rating of video and computer games and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 26, 2006

Mr. BROWNBACK introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To direct the Federal Trade Commission to prescribe rules to prohibit deceptive conduct in the rating of video and computer games and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Truth in Video Game  
5 Rating Act”.

6 **SEC. 2. DECEPTIVE RATINGS OF VIDEO GAMES.**

7 Not later than 1 year after the date of enactment  
8 of this Act, the Federal Trade Commission shall prescribe  
9 rules under section 553 of title 5, United States Code,

1 to prohibit the following as an unfair and deceptive act  
2 or practice prescribed pursuant to section 18(a)(1)(B) of  
3 the Federal Trade Commission Act (15 U.S.C.  
4 57a(a)(1)(B)):

5 (1) RATING GAME ONLY ON PARTIAL CON-  
6 TENT.—Such rules shall prohibit any rating organi-  
7 zation from assigning a content rating to any video  
8 or computer game that is to bear a label containing  
9 such content rating when sold or distributed in  
10 interstate commerce unless such rating organization  
11 has reviewed the playable content of the video or  
12 computer game in its entirety.

13 (2) WITHHOLDING CONTENT FOR RATING.—

14 (A) IN GENERAL.—Such rules shall pro-  
15 hibit any person who produces, sells, or other-  
16 wise distributes video or computer games in  
17 interstate commerce from withholding or hiding  
18 any playable content of the video or computer  
19 game from, or in any other manner failing to  
20 disclose any playable content of a video or com-  
21 puter game to, a rating organization.

22 (B) HIDDEN CONTENT.—Such rules shall  
23 provide that where, in the course of obtaining  
24 a content rating, a person submits to a rating  
25 organization a video or computer game that

1 contains hidden content, that such person also  
2 provide the rating organization with the nec-  
3 essary codes or methods of accessing such hid-  
4 den content.

5 (3) GROSS MISCHARACTERIZATION OF CON-  
6 TENT.—Such rules shall prohibit any rating organi-  
7 zation from providing a content rating that grossly  
8 mischaracterizes (as defined by the Commission in  
9 such rules) the content of the video or computer  
10 game.

11 **SEC. 3. G.A.O. STUDY.**

12 (a) STUDY.—The Comptroller General of the United  
13 States shall conduct a study to determine—

14 (1) the efficacy of the Entertainment Software  
15 Ratings Board ratings system in assigning appro-  
16 priate content ratings to video and computer games,  
17 including ratings for online or Internet-based games;

18 (2) whether content ratings systems, like that  
19 used by the Entertainment Software Ratings Board,  
20 should be peer-reviewed;

21 (3) whether an independent ratings system, de-  
22 veloped and administered by persons or entities with  
23 no financial interest in the video and computer game  
24 industry, would result in more accurate and effective  
25 content ratings for video and computer games than

1 the rating system used by the Entertainment Soft-  
2 ware Ratings Board; and

3 (4) the efficacy of a universal ratings system  
4 for visual content, including films, broadcast and  
5 cable television and video, and computer games.

6 (b) REPORT.—Not later than 180 days after the date  
7 of enactment of this Act, the Comptroller General shall  
8 submit to Congress a report on the findings of the study  
9 conducted pursuant to subsection (a). The report shall  
10 contain recommendations regarding effective approaches  
11 to video and computer game content ratings that address  
12 the unique ratings challenges of online and Internet-based  
13 video games.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) CONTENT RATING.—The term “content rat-  
17 ing” means any rating of the content of a video or  
18 computer game provided to notify consumers of any  
19 content which may be offensive to consumers or may  
20 not be suitable to persons of varying ages, including  
21 such content as violence, graphic sexual content, nu-  
22 dity, or strong language.

23 (2) HIDDEN CONTENT.—The term “hidden con-  
24 tent” means any playable content that may be dis-  
25 abled or blocked from a user of the video or com-

puter game so that it can be accessed only by inputting a code or command or by altering the game's software with a modification, patch, or similar tool, utility, or method.

(3) PLAYABLE CONTENT.—The term “playable content”, with respect to video or computer games, means all of the scenes, visual images, sounds, and words that a user can access after installing the game on a computer, console, telecommunication device, or similar technology, and includes hidden content.

(4) RATING ORGANIZATION.—The term “rating organization” means the Entertainment Software Ratings Board or any other independent organization that assigns content ratings for video or computer games.

(5) VIDEO OR COMPUTER GAME.—The term “video or computer game” means any product, whether distributed electronically or through a tangible device, consisting of data, programs, routines, instructions, applications, symbolic languages, or similar electronic information that enables a user to interact with a computer-controlled virtual environment for entertainment purposes.

